



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with RCW 34.05.330, the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at http://apps.leg.wa.gov/wac/default.aspx?cite=82-05.

CONTACT INFORMATION (please type or print)

Petitioner's Name Brad Thomsen
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COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
Provide relevant examples.
Include suggested language for a rule, if possible.
Attach additional pages, if needed.
Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: http://www.leg.wa.gov/CodeReviser/Documents/RClst.htm.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: WDFW

[X] 1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: Please See Attached

The rule is needed because: Please See Attached

The new rule would affect the following people or groups: Please See Attached

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

I am requesting the following change: _____

This change is needed because: _____

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): _____

Sent via Email to:

rules.coordinator@dfw.wa.gov

commission@dfw.wa.gov

Kelly.Susewind@dfw.wa.gov

Tuesday February 11th 2025

Rules Coordinator
Washington Department of Fish and Wildlife
P.O. Box 43200
Olympia, WA 98504-3200

Washington Fish & Wildlife Commission
600 Capitol Way N.
Olympia, WA 98501

Director Kelly Susewind
Washington Department of Fish and Wildlife
600 Capitol Way N.
Olympia, WA 98501

Director Susewind, Commissioners, and WDFW Rules Coordinator:

In accordance with RCW 34.05.330, please accept this petition asking the Washington State Department of Fish & Wildlife to begin rulemaking for the RETURN of the Washington State Spring Black Bear Hunting Season;

Put in place an annual spring black bear special permit hunt season to fulfill WDFW's mandate to maximize the public recreational hunting opportunities while also conserving the wildlife resources in a manner that does not impair the resource.

These annual spring black bear hunts would make available a limited number of permits in specific areas, as compared to the general fall black bear season. These hunts would use harvest as a tool to apply additional hunting pressure and human presence in an effort to help address (or assist) other management issues such as commercial timber damage, public land timber damage and reduce bear densities

in areas of high negative human-bear interactions or where ungulate neonate survival is low.

Prohibit the take of female black bear accompanied by cubs less than 1 year old or less than 50 pounds.

Require submitting biological samples and bear teeth.

The Director and Department Staff in prior to the cancellation of the Washington State Spring Bear Hunting Season in 2022 all wanted the Washington State Spring Bear Hunting Season to continue.

Currently the Department is subject to a lawsuit brought by The Sportsmen's Alliance.

On November 18, 2022, the Washington Fish and Wildlife Commission held a meeting at which it voted to cancel spring bear hunts. The vote came as a surprise to Washington Hunters and the meeting's agenda gave no indication that a cancellation vote would be considered by the commission. Ultimately, spring bear hunting in Washington was canceled without providing sportsmen and the public the opportunity to provide meaningful comments.

What a mess the department finds itself in regarding Black Bear Management.

There is a blurring of the lines by Department Staff when they claim there is an element of urgency inherent in Black Bear Conflict and Depredation necessitating Department be the only ones to respond to cases of black bear conflict and depredation, excluding considering using hunters or Master Hunters, in situations regarding black bear conflict and depredation.

Black Bear Human Safety is not the same as Black Bear Conflict or Black Bear Depredation. They are as different as apples and bicycles.

WDFW Enforcement is and should be the responding element in cases of Black Bear Human-Safety year round. No disagreement there.

Sending out WDFW Enforcement Officers who are fully commissioned Police Officers, who have full state wide Police Powers, to respond to a black bear killing a chicken or goat, a black bear tearing up and getting into chicken coops, a black bear tearing up bee hives, a black bear getting into garbage, etc., is more a result of

habitat loss combined with not enough hunting pressure on black bears in the spring. It is not something that needs the Police.

As a society we all generally agree we should not be sending out the police when a chicken is already dead, or when a chicken coop has already been tore up, or when a bee hive has been ripped apart by a black bear.

But here we are.

Before I read a Staff Summary Sheet lecturing me on how WDFW has Conflict Specialists who respond in cases of Black Bear Conflict and Black Bear Depredation, before they send me a link to a blog post that has no science in it, trying to tell me there is no need to consider public hunters as having a benefit in managing black bear conflict and depredation in the spring, I want to encourage staff to pull some WDFW Black Bear Conflict and Depredation incident reports.

See who is responding to calls involving black bears getting into chicken coops killing chickens, black bears tearing up bee hives, black bears getting into garbage, etc.

It is WDFW Enforcement Officers.

Sometimes they then call in or consult with a WDFW Conflict Specialist, but most often it is Enforcement as the sole responder.

WDFW Enforcement Officers as the first responders on scene to cases of a dead chicken, or a tore up chicken coop, or a ripped up bee hive or a knocked over garbage can.

Black Bear Conflict and Depredation is not a Public Safety issue.

Black Bear Human-Safety is a Public Safety Issue.

They are as different as apples and bicycles.

It is certainly a Chicken Safety issue. It is certainly a knocked over garbage can issue. It is certainly a, 'provide some education and resources regarding fortifying your chicken coop and how to string electric fencing around your chicken coop, how to better care for your garbage, issue'.

WDFW Staff provided a link to a WDFW blog post in a recent emailed document to me stating;

“WDFW recommends following the steps listed in this article to reduce and eliminate human-bear conflict: <https://wdfw.medium.com/nows-the-time-for-spring-cleaning-as-black-bears-alarm-clocks-start-ringing-3064364b47ab>”

WDFW Staff literally provided support to my claim that having WDFW Enforcement Officers, who are fully commissioned police officers with full state wide police authority, out to respond to black bear conflict and depredation is, in this writers opinion, a gross waste of tax payer dollars.

The chicken is already dead. The coop is already tore up. The bees are already having to fix their hive, the garbage can is already knocked over.

As a society we have police for public safety issues. We have police for enforcing the laws of our state. For their authority to investigate and arrest those suspected of criminal activity.

Yes, I am mixing topics and making parallel points.

When Department Staff are confusing Black Bear Conflict and Depredation with Black Bear Human Safety issues, these points need to be made.

We all agree hunting is not the most recommended tool for human-bear conflict but it is a tool that assists with Spring Black Bear Conflict and Depredation.

Just as the department does not rely upon the fall general deer and elk seasons to fully address deer and elk conflict and depredation.

The department uses hunters and master hunters as needed, when needed, where needed, at times and places where deer and elk conflict and depredation is happening.

WDFW does not send out WDFW Enforcement Officers to respond to cases of deer and elk conflict and depredation then write a report and walk away from it.

As needed, when needed, where needed, under WDFW Authority, WDFW uses hunters and master hunters under WDFW rules to address deer and elk depredation and conflict.

The example is there.

The framework is there.

It's almost as if at some point in the history of this state someone should have thought about using a Spring Black Bear Hunting Season to address Spring Black Bear Conflict and Depredation.

Oh, yeah. There was one. And the Director and the Staff supported it and even recommended this current WDFW Commission not cancel it.

So while Department Staff continue to recommend to the Director that he continue to support the cancellation of the Washington State Spring Black Bear Hunting Season not because there is no historical proof of the success of what was the Washington State Spring Black Bear Hunting Season, but rather, that the Director should continue to support the cancellation of the Washington State Spring Black Bear Hunting Season because that's what this Commission wants.

Funny.

There were many different Commissioners, over many many years who all had supported the Washington State Spring Bear Hunting Season for decades.

Then, during this small snapshot in time, a couple commissioners got appointed and in their opinion they did not approve of hunting black bears in the spring. So they cancelled the season.

Go back and listen and watch the audio / video of that meeting where they cancelled the season. It literally came down to a couple of them having an opinion they did not approve of hunting black bears in the spring.

Had nothing to do with science. Or what the Staff Recommended. Or what the Director recommended. Or what the science said.

I understand the Department benefitting from removing a proven successful tool (hunting) from helping manage the tremendous amount of spring black bear conflict and depredation the department responds to.

Decreasing hunting pressure on bears in the spring allows the Department to increase their importance, their jobs, their amount of equipment, and it allows the

Department to shift Enforcement Officers away from other tasks like enforcing fish and wildlife laws.

Again, I recommend Department Staff pull a few black bear conflict and depredation incident reports and see just who it is who is going out on these calls.

When the Department blocks using public hunters as a tool that has a history of success as long as Washington has been a state, so as to increase black bear conflict and depredation, which in turn shifts WDFW Enforcement Officers off actual law enforcement issues, we as a public have to ask, what are your priorities?

When I read that Hunters have no role in Spring Black Bear Management for a-b-c new reason, it was not until the Commission cancelled the Washington State Spring Bear Hunting Season that only now Department Staff have changed their tune regarding the benefits of the Washington State Spring Black Bear Hunting Season.

Increasing Enforcement Officers time spent in the spring responding to more and more black bear conflict and depredation calls, which do not have urgency, which are not a law enforcement issue, which are not public safety issues, which are not human-safety issues, by removing a proven spring time black bear management tool that has resulted in additional work for an already overworked department and wastes WDFW Police resources.

Anybody have a current number of hours spent and miles driven by WDFW Enforcement Officers during the spring months each year responding to Black Bear Conflict and Depredation calls?

Black Bear Human-Safety should remain WDFW Enforcements responsibility.

But when the chicken is already dead, the bee hive is already tore up, the garbage can is already knocked over, these examples are not Public Safety or Human Safety issues. And due to how seldom tickets are actually written for Black Bears getting into garbage cans, department staff should really look at bringing hunters back into the list of tools we use in the spring to help mitigate black bear conflict and depredation.

Begin rule-making for the RETURN of the Washington State Spring Black Bear Hunting Season.